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November 18, 2016

Ex Parte

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

Re: Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications, PS Docket No. 15-80; New Part 4 of the Commission's Rules Concerning Disruptions to Communications, ET Docket No. 04-35; The Proposed Extension of Part 4 of the Commission's Rules Regarding Outage Reporting to Interconnected Voice Over Internet Protocol Service Providers and Broadband Internet Service Providers, PS Docket No. 11-82

Dear Ms. Dortch:

On November 16, 2016, Steven Morris, Matt Tooley, and I of NCTA – The Internet & Television Association (NCTA) met with the following staff of the Commission's Public Safety and Homeland Security Bureau: Admiral David Simpson, Jeffery Goldthorp, Theodore Marcus (via teleconference), Megan Henry, and Joseph Schlingbaum. During the meeting, we discussed the broadband outage reporting rules proposed by the Commission in the above-referenced proceedings.

NCTA urged Commission staff to focus only on hard down outages if the Commission decides to extend Part 4 outage reporting requirements to broadband Internet access service (BIAS) providers. As NCTA discussed in its comments,¹ a rule limiting broadband outage reporting to hard down outages—meaning a complete loss of broadband service or lack of a broadband dial tone—would be clear and straightforward to implement. In contrast, a rule requiring broadband providers to monitor and report degradation in the performance of a BIAS network using metrics like latency, throughput, or packet loss would be virtually impossible to implement and would impose extraordinary costs on BIAS providers. A rule requiring performance degradation reporting would also inundate the Commission with quality of service

¹ Comments of the National Cable & Telecommunications Association, PS Docket Nos. 15-80 and 11-82, and ET Docket No. 04-35, at 3-4 (filed Aug. 16, 2016).

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information that would only seldom, if ever, describe outages that actually affect consumers' ability to contact emergency personnel.

Pursuant to the Commission's rules, I have filed a copy of this notice electronically in the above-referenced proceedings. If you require any additional information, please contact the undersigned.

Respectfully submitted,

/s/ Danielle J. Piñeres

Danielle J. Piñeres

cc: Admiral David Simpson
Jeffery Goldthorp
Theodore Marcus
Megan Henry
Joseph Schlingbaum